

Remarks

The above Amendments and these Remarks are in reply to the Office action mailed April 10, 2002. With the cancellation of Claims 1 and 2, and the addition of Claims 3-22, Claims 3-22 are presented herewith for consideration.

Double Patenting Rejection

With the cancellation of Claims 1 and 2, applicant respectfully submits that the provisional double patenting rejection is no longer applicable.

Rejection of Claims 1 and 2 Under 35 U.S.C. §112

Claims 1 and 2 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has canceled Claims 1 and 2 and it is therefore respectfully requested that the rejection of Claims 1 and 2 on section 112 grounds be withdrawn.

Rejection of Claims 1 and 2 Under 35 U.S.C. §102(b)

Claims 1 and 2 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,597,874 to Ogsbury. Applicant has canceled Claims 1 and 2 and it is therefore respectfully requested that the rejection of Claims 1 and 2 on section 102 grounds be withdrawn.

New Claims

Applicant has added new Claims 3-22. No new matter has been added. It is respectfully submitted that Claims 3-22 are patentable over the art of record.

Based on the above amendments and these remarks, consideration of Claims 3-22 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

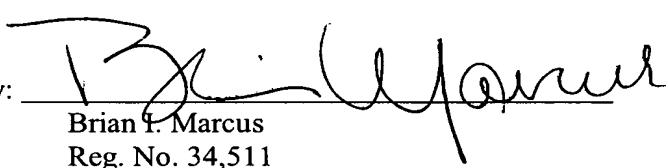
Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, October 10, 2002.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: October 10, 2002

By:


Brian I. Marcus
Reg. No. 34,511

VIERRA MAGEN MARCUS HARMON & DENIRO LLP
685 Market Street, Suite 540
San Francisco, CA 94105-4206
Telephone: 415-369-9660
Facsimile: 415-369-9665

APPENDIX

Below are a copy of claims 1-22 showing the amendments.

[1. A toy, comprising:

a first body portion having a male snap portion; and

a second body portion having a female snap portion, said first body portion capable of attaching to said second body portion with an audible snap, and said first body portion capable of detaching from said second body portion with an audible snap.]

[2. A toy as recited in claim 1, said first body portion capable of rotating with respect to said second body portion upon attachment of said first and second body portions.]

3. A toy, comprising:

snappable elements, including at least one of:

one or more torsos,

one of one or more legs,

one or more arms,

one or more heads,

one or more animal tails,

one or more portions of an automobile,

one or more portions of an airplane,

one or more portions of a helicopter,

one or more portions of a train, and

one or more blocks including characters and/or letters; and

one or more snap portions affixed to at least two of said snappable elements, each snap portion of said one or more snap portions including at least one of a male portion and a female portion, said male portion of a first snappable element capable of mating with and detaching from said female portion of a second snappable element with an audible snapping sound, and said male portion capable of rotating with respect to said female portion to which said male portion is mated,

any of said one or more torsos, said one or more legs, said one or more arms, said one or more heads, said one or more animal tails, said one or more portions of an automobile, said one or more portions of an airplane, said one or more portions of a helicopter, said one or more portions of a train, and said one or more blocks capable of being affixed to each other by said one or more snap portions.

4. A toy as recited in claim 3, wherein said snappable elements are formed of a plush material.
5. A toy as recited in claim 3, wherein said snappable elements are formed of a pliant endoskeleton covered by a polymer.
6. A toy as recited in claim 3, wherein said one or more snap portions further include a male-to-male connector for connecting a male portion of a first snappable element to a male portion of a second snappable element.
7. A toy as recited in claim 3, wherein said one or more snap portions further include a female-to-female connector for connecting a female portion of a first snappable element to a

female portion of a second snappable element.

8. A toy as recited in claim 3, wherein said snappable elements further include at least one of:

one or more eyes,

one or more ears,

one or more earrings,

a nose,

a mouth,

a moustache,

a beard,

hair,

one or more hats,

one or more animal horns,

one or more animal antlers, and

one or more animal trunks,

which include said snap portion for mating with a snap portion on a head of said one or more heads.

9. A toy, comprising:

snappable elements, each snappable element of said snappable elements including one or more snap portions, each snap portion of said one or more snap portions including at least one of a male portion and a female portion, said male portion of a first snappable element capable of mating with and detaching from said

female portion of a second snappable element with an audible snapping sound, and said male portion capable of rotating with respect to said female portion to which said male portion is mated; and

 said snappable elements capable of snapping together to form a toy from one of the following toy classes:

 a doll,

 an animal,

 a monster,

 a pop culture character,

 a dinosaur,

 a human figure,

 a plant,

 a tree,

 an action figure,

 an automobile,

 a sun,

 a plane,

 a helicopter,

 a train, and

 blocks having characters and/or letters;

 said snappable elements from within a toy class capable of being combined to form a toy model of an object known within said toy class;

 said snappable elements from within a toy class capable of being combined to form a toy model of an unknown object within said toy class; and

said snappable elements from different toy classes capable of being combined to form a toy model of unknown objects.

10. A toy as recited in claim 9, wherein said snappable elements may comprise portions of a toy model of a known animal, said portions capable of snapping together to form a toy model of said known animal.
11. A toy as recited in claim 9, wherein said snappable elements may comprise at least a first portion of a toy model of a first known animal and at least a second portion of a toy model of a second known animal, said first and second portions capable of snapping together to form a toy model of a combination of said first and second known animals.
12. A toy as recited in claim 9, wherein said snappable elements may comprise portions of a toy model of a known automobile, said portions capable of snapping together to form a toy model of said known automobile.
13. A toy as recited in claim 9, wherein said snappable elements may comprise at least a first portion of a toy model of a first known automobile and at least a second portion of a toy model of a second known automobile, said first and second portions capable of snapping together to form a toy model of a combination of said first and second known automobiles.
14. A toy as recited in claim 9, wherein said snappable elements may comprise snappable elements from said toy class of humans and from said toy class of animals, said snappable elements capable of snapping together to form a part-human, part animal toy model.

15. A toy as recited in claim 9, wherein said snappable elements may comprise snappable elements from said toy class of humans and from said toy class of monsters, said snappable elements capable of snapping together to form a part-human, part monster toy model.
16. A toy as recited in claim 9, wherein said snappable elements may comprise snappable elements from said toy class of animals and from said toy class of humans, said snappable elements capable of snapping together to form a part-human, part animal toy model.
17. A toy as recited in claim 9, wherein a first group of said snappable elements may be combined to form a first toy model, and a second group of said snappable elements may be combined to form a second toy model, said first and second toy models capable of being snapped together to form a third toy model.
18. A toy as recited in claim 17, wherein said first toy model is a toy model of a female and said second toy model is a toy model of a male.
19. A toy as recited in claim 9, wherein said snappable elements are formed from a plush material.
20. A toy as recited in claim 9, wherein said snappable elements are formed of a pliant endoskeleton covered by a polymer.
21. A toy, comprising:
snappable elements, each snappable element of said snappable elements

including one or more universal snap portions, each universal snap portion of said one or more universal snap portions including one of a first snap portion having a first size, a second snap portion have a second size, and a third snap portion have a third size different than said second size;

said first snap portion capable of mating with both said second snap portion and said third snap portion to allow combination of snappable elements into a variety of different toy models.

22. A toy as recited in claim 21, wherein said first snap portion is capable of mating with and detaching from said second and third snap portions with an audible snapping sound.